

REMARKS

The Official Action of October 22, 2004 is noted, and in connection therewith, claims 5 through 7 that were previously indicated as containing allowable subject matter, are herewith amended such that claims 5 and 6 are placed in independent form.

Additionally, claim 12 has been amended to be placed in independent, in that claim 12 has been amended to include the subject matter of each of claims 10 and 11, and claim 12 additionally includes much of the subject matter of claim 6, and is believed to be properly allowable for the same reasons as claim 6.

Reconsideration of claims 1 through 4 and 8 through 11 is respectfully solicited.

Each of claims 1 and 10 specifically require that the ice making apparatus include ice nugget drive means for driving ice through the conduit means by driving force other than gravity, although the wording in that respect of clause (d) of claim 10 is somewhat different than the respective wording of clause (j) of claim 1.

However, it will be noted that the base reference, Saltzman is exactly the opposite, in that it absolutely requires gravity, in that ice that is generated in either of the units 10, is delivered down a ramp to a discharge opening 23, to fall by means of gravity into an ice collecting bin 22. That is, the upper chamber 10 is aligned above the lower chamber, such that the respective openings 23 of the upper and lower chambers are disposed above or below one another, such that ice is delivered through the lower chamber, from the upper chamber, to fall by gravity into the single ice collecting bin 22.

Thus, the very essence of Saltzman, is that ice pass by gravity from where it is formed, into the collecting chamber.

While the secondary and tertiary references of Willamor and Wadsack teach ice makers that may or may not be obvious substitutions for the ice maker components of Saltzman, they operate in an entirely different manner than Saltzman.

However, Willamor also appears to drop ice from location 53 b into container 70 via gravity. Wadsack discharges ice via outlet 51 to "a suitable bin or container a short distance away". Thus, Wadsack is silent as to any driving force other than gravity, and Saltzman and Willamor provide a gravity delivery of ice.

Accordingly, it is submitted that the prior art that is relied upon in making the rejection does not anywhere suggest the features of clause (j) of claim 1 and of clause (d) of claim 10.

Furthermore, it is submitted that, because it is the intention of Saltzman as is clear from the text of column 4 lines 16 through 22, that the drop be by gravity through openings 23, into the chute 22, such that any modification whatever of that intended operation of Saltzman, that would frustrate the intended operation of Saltzman, such that it could not be an "obvious" modification of Saltzman under Section 103.

For all of the above reasons, reconsideration of the rejected claims and allowance of all of the claims of this application are respectfully solicited.